

Sentence Review Division
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SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

AUG 14 2020

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-12-029
)	
Plaintiff,)	Deer Lodge County District Court
)	Montana Third Judicial District
-vs-)	
)	DECISION
ROBERT PIERCE,)	
)	
Defendant.)	

On December 10, 2013, the Defendant was sentenced as follows: Count I: Forty (40) years at the Montana State Prison, with fifteen (15) years suspended, for the offense of Sexual Intercourse Without Consent, a Felony, in violation of §45-5-503(1), MCA; and Count II: Twenty-five (25) years at the Montana State Prison, for the offense of Sexual Assault, a Felony, in violation of §45-5-502, MCA. The sentences were ordered to run concurrently. It was ordered the Defendant be parole ineligible for ten (10) years. It was further ordered the Defendant be parole ineligible until he has completed Phase I and Phase II of MSOTA complaint sexual offender treatment at the state prison.

The Defendant was given credit for time served in the amount of 229 days. The Defendant was designated a Tier I sexual offender. The Defendant was ordered to pay restitution in the amount of \$4,483.30 for the benefit of the victim in this case for medical expenses incurred by the victim as the result of the instant offenses/trial of this matter.

On August 6, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video from the Montana State Prison, and was represented by David Maldonado, Defense Counsel, who appeared by video from Missoula, Montana. The State was

represented by Dan Guzynski, PSB Bureau Chief of the Attorney General's Office, who appeared by video from Helena, Montana. Melissa Raasakka, mother of victim, and Mykala Raasakka, the victim, appeared by video and gave statements. The Defendant gave a statement.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.


Done in open Court this 6th day of August, 2020.

DATED this 14th day of August, 2020.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



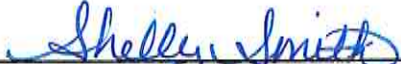
Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 14th day of August, 2020, to:

Clerk of District Court – *via email*
Robert Pierce #3013080, Defendant
Hon. Robert J. Whelan – *via email*
Dan Guzynski – PSB Bureau Chief – *via email*
David Maldonado, Defense Counsel – *via email*
State Office of the Public Defender – *via email*



Shelly Smith, Office Administrator
Sentence Review Division